

Notice of Allowability

Application No.

10/705,454

Applicant(s)

SILVER ET AL.

Examiner

Art Unit

DANIEL G. MARIAM

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 3/18/05 & a telephone interv. dated 7/21/05.

2. ☒ The allowed claim(s) is/are 122-128, 130-163 and 165-168.

3. ☒ The drawings filed on 10 November 2003 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/10/2003

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/21/2005.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


DANIEL MARIAM
PRIMARY EXAMINER

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Russ Weinzimmer (Registration No. 36,717) on July 21, 2005.

The application has been amended as follows:

Amend the specification as follows:

In page 2, second paragraph, of the amendment to the specification dated March 18, 2005, delete "This is a continuation of U.S. Patent Application Serial Number 09/746,147, filed 12/22/2000, which is a continuation of U.S. Patent Application Serial Number 09/001,869, filed 12/31/1997, which is a continuation-in-part to U.S. Patent Application Serial Number, 08/979,588, filed 11/26/1997." and replace it with "This is a continuation of U.S. Patent Application Serial Number 09/746,147, filed 12/22/2000, which is now US Patent No. 6,658,145 issued December 2, 2003, which is a continuation of U.S. Patent Application Serial Number 09/001,869, filed 12/31/1997, which is now abandoned, which is a continuation-in-part to U.S. Patent Application Serial Number, 08/979,588, filed 11/26/1997, which is now abandoned."

Amend the claims as follows:

Cancel claims 129 and 164.

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Amend claim 122 as follows:

At line 7, delete “and” - -

At line 9, after the limitation “points” insert “; and wherein each field element comprises:
an evaluation code for determining how an image boundary point is to be evaluated when
it is mapped to a field position within a region associated within the field element” - -

Amend claim 130 as follows:

At line 1, Delete “129” and replace it with “122”

Amend claim 131 as follows:

At line 1, Delete “129” and replace it with “122”

Amend claim 132 as follows:

At line 1, Delete “129” and replace it with “122”

Amend claim 133 as follows:

At line 1, Delete “129” and replace it with “122”

Amend claim 134 as follows:

At line 1, Delete “129” and replace it with “122”

Amend claim 157 as follows:

At line 7, delete “and” - -

At line 10, after the limitation “evaluated” insert “; and wherein each zone includes at
least one field element that includes the evaluation code” - -

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✓ *Reasons of Allowance*

2. Claims 122-128, 130-163, and 165-168. The claims will be renumbered as 1-45.

3. The following is an examiner's statement of reasons for allowance: with regard to the primary reference to Gee, applicants' arguments, see pages 15-19, filed March 18, 2005, have been fully considered and are persuasive. The 35 U.S.C. 102 and 103 rejections of claims 122-123, 125, 148-151, 157 and 164 are withdrawn. With respect to the newly found prior art (Chaney, et al. US Patent No. 5,926,568), Chaney, et al do not teach or fairly suggest, among other things, a model pattern including: a) a plurality of field elements disposed within a region of the training image that includes the boundary points, wherein each field element comprises: an evaluation code for determining how an image boundary point is to be evaluated when it is mapped to a field position within a region associated within the field element; and b) a plurality of zones, each zone being characterized by an evaluation code for determining whether an image boundary point within the zone is to be evaluated, and wherein each zone includes at least one field element that includes the evaluation code. It is for these reasons and in combination with the other elements of the claims that claims 122-128, 130-163, and 165-168 are allowed over the prior art of Gee and Chaney, et al.

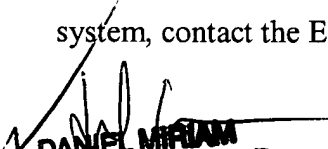
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH M. MEHTA can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL MARIAM
PRIMARY EXAMINER

July 21, 2005